

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ANTHONY JONES,	:	
Petitioner,	:	
vs.	:	CIVIL ACTION 05-00712-KD-B
GRANTT CULLIVER,	:	
Respondent.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is ADOPTED as the opinion of this Court. It is ORDERED that petitioner's action be dismissed with prejudice as time-barred.¹

DONE this 14th day of January, 2009.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

¹ Petitioner contests the date when his first Rule 32 petition was filed. The petition is stamped as filed October 29, 2003 and the Circuit Court docket sheet reflects the same, although petitioner signed the petition on September 26, 2003 and stated that the petition was mailed that day. (doc. 21-2, p. 32, 38-39). However, even if the tolling period included an additional 33 days, his petition for habeas corpus would still be untimely.